

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #1 Tribal Customary Adoption

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held December 19, 2018, as follows:

Office Building #8  
744 P St. Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. CDSS will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you need a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on December 19, 2018.

Following the public hearing, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for non-substantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons, and the text of the proposed regulations are available on the internet at <http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>. Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will also be available from the office below:

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8-4-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

## CHAPTERS

Title 22, Division 2, sections 35410 through 35424

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations provide guidance to placement workers regarding conventional adoptions, but do not include the Tribal Customary Adoption (TCA) process enacted by Assembly Bill (AB) 1325, Chapter 287, Statutes of 2009. CDSS implemented this legislation on October 27, 2010 via All County Letter (ACL) 10-47. The proposed regulations will bring Title 22, Division 2 in compliance with state statute relating to TCA. These regulations benefit dependent Indian children when finding a permanent placement plan. It will offer them permanence through customary tribal adoption practices without terminating parental rights. Termination of parental rights conflict with many tribal teachings and cultural values and severs tribal connection. It is in the interest of Indian children to have their tribal membership and connection to the tribal community protected. In addition, dependent Indian children, through tribal customary adoption, will be eligible for benefits from the Adoption Assistance Program.

After conducting an evaluation for any regulations related to this area, CDSS has found that these are the only regulations concerning Tribal Customary Adoption. Therefore, the proposed regulations are consistent and compatible with existing adoption regulations.

## COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 – 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

## LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code (GC) because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of GC section 17513.

## STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the fact that these regulations will only impact child placement agencies.

## STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

## STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows:

It will allow for dependent Indian children to be offered permanence through customary tribal adoption practices without terminating parental rights. Termination of parental rights conflict with many tribal teachings and cultural values and severs tribal connection. It is in the interest of Indian children to have their tribal membership and connection to tribal community protected. In addition, dependent Indian children, through tribal customary adoption, will be eligible for benefits from the Adoption Assistance Program.

## STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

## CONSIDERATION OF ALTERNATIVES

CDSS must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CDSS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the public comment period.

In developing the regulatory action, CDSS considered the following alternatives with the following results: no other alternatives exist as ACL 10-47 was published in October 2010 to implement this legislation.

## AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions (W&I) Code sections 358.1, 361.5, 366.21, 366.22, 366.24, 366.25, 366.26, 366.3, 10553, and 10554 and W&I Code 366.24 and ACL 10-47 are being referenced to make the regulations more specific.

## CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

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Backup:	Sylvester Okeke	(916) 657-2586